

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

PURINA ANIMAL NUTRITION, LLC,  
formerly known as Land O'Lakes  
Purina Feed, LLC,

Plaintiff,

v.

K.C. DAIRIES, LLP,

Defendant.

Civ. No. 13-4099-KES

**MOTION FOR LEAVE TO AMEND  
DEFENDANT'S ANSWER AND  
COUNTERCLAIM**

Defendant K.C. Dairies, L.L.P. ("Defendant"), by and through its undersigned attorneys of record, and pursuant to Federal Rule of Civil Procedure 15, hereby moves this Court for an order granting it leave to amend its answer and counterclaim. Because this case is yet in its early stages, granting Defendant leave to amend its answer will not prejudice Plaintiff Purina Animal Nutrition, L.L.C. ("Plaintiff"). Accordingly, Defendant respectfully requests that its motion for leave to amend its answer and counterclaim be granted.

In support of this motion, Defendant relies upon its Brief in Support of Defendant's Motion for Leave to Amend Defendant's Answer and Counterclaim, Exhibit A, attached hereto, which is a copy of Defendant's Proposed Amended Answer to Plaintiff's Complaint and Amended Counterclaims against Plaintiff, Affidavit of Jason R. Sutton, and all the files and records of this action.

Dated this 18<sup>th</sup> day of February, 2014.

/s/ Paul W. Tschetter  
Jason R. Sutton  
Paul W. Tschetter

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*Attorneys for Defendant K.C. Dairies, LLP*

### CERTIFICATE OF SERVICE

I, Paul W. Tschetter, hereby certify that I am a member of the law firm of Boyce, Greenfield, Pashby & Welk, L.L.P. and that on the 18<sup>th</sup> day of February, 2014, I electronically filed a Motion for Leave to Amend Defendant's Answer and Counterclaim with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filings to the following attorneys:

- **Jonathan C. Miesen** ([JCMiesen@landolakes.com](mailto:JCMiesen@landolakes.com))
- **Shawn M. Nichols** ([snichols@cadlaw.com](mailto:snichols@cadlaw.com))

/s/ Paul W. Tschetter  
*Filed Electronically*  
Paul T. Tschetter